

TOWN OF HINSDALE, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
**NOTICE OF DECISION**

(To be mailed forthwith to the petitioner, abutters and owners of land within 300 feet of the property line, the Select Board, Building Inspector, Planning Board, the planning boards of every abutting municipality and to persons present at the hearing who requested that notice be sent to him/her and state the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant or Petitioner: Laureen O'Neal

Property Location: 121 Smith Road, Hinsdale, MA 01235 (Map 411, Lot 19)

Zoning District: R-3 Recreational and Residential

Deed Reference: Registry of Deed in Book 05472 Page 51

Application: divide her property into two lots and construct a small house.

Hearing Date: June 19,2023

Case No.: 640

Appeal     Variance    Petition     Special Permit Application

**VOTED TO GRANT A DECISION:**

After a public hearing opened and closed on June 19, 2023 the Hinsdale ZBA voted 3 to 0 to approve the applicants request for a variance on the road frontage.

The decision of the Board together with detailed record of its proceedings stating the reasons for the decision shall be filed within 90 days after hearing in the office of the Town Clerk.

**IMPORTANT:** Any appeal from the decision of the Zoning Board of Appeals must be made pursuant to Section 17, Chapter 40A (Massachusetts General Law) as amended, and must be filed within twenty (20) days after the date of filling of the decision with the Town Clerk.

ZONING BOARD OF APPEALS

Terry Douglas ZBA clerk

TOWN OF HINSDALE MASSACHUSETTS  
ZONING BOARD OF APPEALS  
NOTICE FOR RECORDING IN THE REGISTRY

DECISION TO GRANT A VARIANCE OR SPECIAL PERMIT OR ANY EXTENSION,  
MODIFICATION OR RENEWAL OF A VARIANCE OR SPECIAL PERMIT

(A copy to the applicant, and for filing with the Planning Board and the Town Clerk together with the Record of Proceedings and plans).

Notice is hereby given that a Variance has been given under section 6 6-A “non-conforming structures, uses and lots. Applicant divide her property into two lots and construct a small house.

To: Lauren O’Neal

Address: 121 Smith Road Ave, Hinsdale, MA 01235

by the Hinsdale Zoning Board of Appeals affecting the rights of the owner with respect to use of premises on 121 Smith Road, Hinsdale, MA 01235.

by a deed duly received in the Pittsfield District Berkshire County

Registry of Deed in Book \_\_05472\_\_ Page\_51\_\_\_\_\_

Registry of District of Land Court Certificate No. \_\_\_\_\_

The Decision of said Board is on file with the papers and plans with the Planning Board and in the Office of the Town Clerk

Jeff Viner: \_\_\_\_\_ Chairman

Terry Douglas: \_\_\_\_\_ Clerk

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE  
REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeals have been filed and denied in the case.

Signature and Seal of the Town Clerk



**TOWN OF HINSDALE**  
Massachusetts

Petition No.: 640  
Date filed: 6/19/23

**ZONING BOARD OF APPEALS**  
**RECORD OF PROCEEDINGS**

(Copies of this Record of Proceedings with all attachments must be filed within 14 days in the Office of the Town Clerk.)

I, Terry Douglas, Clerk of the Zoning Board of Appeals under the Zoning By-Law of the Town of Hinsdale hereby certify that the following is a detailed record of all its proceedings relative to the \_\_\_ petition X\_ application \_\_\_ appeal of Lauren O’Neal at 121 Smith Road, Hinsdale, MA 01235 for a variance under Section 6, 6- A of the Zoning By-Law of Town of Hinsdale.

The Applicant desires to divide her 8.36 acres of land with 670 feet of road frontage into two lots and construct a small house.

The premises affected are located on 121 Smith Road, Hinsdale, MA, 01235 Map 411, Lot 19, being in Zoning District R-3 in which the above-mentioned use

X\_ requires a variance that is not permissible under terms of said By-Law.

1. On June 19,2023 \_\_\_petition \_\_\_X\_ application \_\_\_ appeal of which a true copy marked “A” accompanies this certificate and is made a part of this record was presented to the Zoning Board of Appeals, accompanied by a filing fee of \$250.00 and in the case of an appeal the Refusal of the Building Inspector or Select Board to issue a permit, a true copy of which refusal, marked “B”, accompanies this certificate and is made a part of this record.

2. Thereupon, an advertisement, a true copy of which, marked “C” accompanies this certificate and is made a part of this record was published in the Berkshire Eagle a newspaper published in Pittsfield, Ma.01201 on May 31,2023 and June 7, 2023.

3. Notices of the hearing a copy of which, marked “D” accompanies this certificate and is made a part of this record were mailed postpaid to the petitioner, abutters and owners of the land within 300 feet of the property line, being the same persons named in the assessor certificate which was a part of the petition heretofore referred to and marked “A” and to the Select Board, Building Inspector, Planning Board and the planning boards of every abutting municipality.

4. On June 19,2023 a meeting was held at the Hinsdale Town Hall at which opportunity was given to all those interested to be heard in favor or opposition to said petition,

application or appeal at which hearing.

5. Following the hearing the Board made the following specific findings and conditions regarding the land in questions and the proposed use:

- A. Lot must maintain the minimum side & back set-backs
- B. Approval of the plans by the Town Assessor before presenting plans to Building Inspector.
- C. House being built cannot be larger than 1800 square feet.
- D. The new lot must have 175 feet of road frontage.
- E. The new lot must have 130,000 square feet.

Members Present:

Jeff Viner, Chairman, Dion Douglas and Bruce Alexander

Also present at the meeting:

Terry Douglas ZBA clerk

Laureen O'Neal

The use is allowed by variance.

NOTE: Restatement of mandatory provisions and requirements are not to be taken as findings.

6. The Board voted at its meeting on June 19,2023 as detailed below to,

DENY the  petition  application  appeal

based on findings as recorded under item 5 herein.

GRANT the variance

Note: Show the vote of each member upon each question or if absent or failing to vote, indicate such fact and set forth clearly the reason or reasons for its decision and of its other official actions.

Members present:

Jeff Viner Chairman voted in favor of the variance

Dion Douglas voted in favor of the variance

Bruce Alexander voted in favor of the variance

Date 6/19/23

Terry Douglas , Hinsdale ZBA clerk



HINSDALE ZONING BOARD APPEALS  
MINUTES OF MEETING OF  
FINAL DECISION  
June 19, 2023

Present were:

Jeff Viner-ZBA Chairman  
Bruce Alexander- ZBA Board member  
Dion Douglas-Alternate ZBA board member  
Terry Douglas-ZBA Clerk  
Lauren O'Neal

Meeting called to order by Jeff Viner @ 6:04 pm

Jeff Viner read the application.

Lauren O'Neal brought plans on how the lot would be divided showing if she had she received the variance for less road frontage and plans if she had to have more road frontage.

Lauren O'Neal said her next-door neighbor only has 170 road frontages.

There is State land in back of the house and is a wild life preserve. She said that if need be she could get an easement to get more road frontage.

Bruce Alexander asked Terry Douglas ZBA clerk if there had been objections from the abutters.

Terry Douglas said no one had called or sent any letters of objections. Terry Douglas said a neighbor, David Howe emailed that he was in favor and had no objections.

Bruce Alexander asked if the new house could be seen from the road and Lauren O'Neal said you could not see it.

Bruce Alexander read the by-laws regarding road frontage. Lauren O'Neal said eventually she will be selling the larger existing house.

The variance was granted with the following conditions:

- A. Lot must maintain the minimum side and back set- backs.
- B. Approval of the plans by the Town Assessor before presenting plans to Building Inspector.
- C. House being built cannot be larger than 1800 square feet.
- D. The new lot must have 175 feet of road frontage.
- E. The new lot must have 130,000 square feet.

Jeff Viner made a motion to vote. The vote was held and was unanimous.

Meeting was adjourned at 6:23 pm